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Application Number	09/740,584
Filing Date	12-18-00
First Named Inventor	Jeffrey Morgan Alden
Art Unit	2815
Examiner Name	Allan R. Wilson
Attorney Docket Number	GP-301022

Total Number of Pages in This Submission

ENCLOSURES (Check all that apply)

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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Warn, Hoffmann, Miller & LaLone, P.C. John A. Miller - Reg No. 34,985
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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 09/740,584
Filing Date: December 18, 2000
Applicant: Jeffrey Morgan Alden et al.
Group Art Unit: 2815
Examiner: Allan R. Wilson
Title: AUTOMATIC RECONFIGURATION OF SYSTEM SUB-MODELS FOR INDEPENDENT ANALYSIS
Attorney Docket: GP-301022

APPELLANT'S REPLY BRIEF

This is Appellant's Reply Brief filed in accordance with 37 CFR §1.193(b) in response to the Examiner's Answer mailed December 1, 2005. This Reply Brief is being submitted in triplicate.

Appellant acknowledges that the Examiner has withdrawn the rejection of claims 1 –19 under 35 USC §102.

The Examiner has maintained the rejection of claims 1-19 under 35 USC §101 because the claimed process allegedly does nothing more than manipulate an idea, and thus does not produce a concrete, useful and tangible result. Appellant has argued that the claimed invention does produce a useful, concrete and tangible result because it allows a person to visually analyze the operation of a system that the system model represents by observing changes in the model as data is manipulated. The claimed invention is useful because the operation of the system can be observed to identify problems in areas without having to incur the expense of operating this system. The

claimed invention is concrete because changes in the sub-model, particularly the size of data entities, are provided in a physical visual medium so that the operation of the system can be better understood. The claimed invention is tangible because things (entities) are specifically defined that have a specific purpose in the system model and identify a specific thing about the system. All of the things are defined by the user, and they all combine to provide the useful result of being able to analyze the system.

The Examiner has argued that there is no practical use for calculation entities. Appellant submits that the calculation entities are part of the sub-model and it is the method of analyzing the sub-model that provides the usefulness. The calculation entities are concrete and tangible because they are shown in a physical visual medium and include a formula that calculates an output based on input values, where the input values come from other entities.

Contrary to the Examiner's position, Appellant respectfully submits that identifying the entities as items such as discrete dollar amounts or final share prices, as stated on page 5 of the Examiner's Answer, is not necessary because claiming a specific application of analyzing a sub-model with such limitations unfairly limits the invention because it has a much wider application than a specific example.

The Examiner states on page 5 of the Examiner's Answer that "[t]he claimed invention is directed to the abstract ideas such as "data entities" and manipulation of abstract ideas such as "calculation entities." These are not a practical application in the technological arts." (emphasis added)

Appellant respectfully brings the Board's attention to Ex-Parte Lundgren, 76 USPQ 2d 1385 (BdPatApp&Int 2005), where the Board held twice that the following claim includes patentable subject matter under §101.

1. A method of compensating a manager who exercises administrative control over operations of a privately owned

primary firm for the purpose of reducing the degree to which prices exceed marginal costs in an industry, reducing incentives for industry collusion between the primary firm and a set of comparison firms in said industry, or reducing incentives for coordinated special interest lobbying, said set of comparison firms including at least one firm, said primary firm having the manager who exercises administrative control over said primary firm's operations during a sampling period, wherein privately owned means not wholly government owned, the method comprising the steps of:

- a) choosing an absolute performance standard from a set of absolute performance standards;
- b) measuring an absolute performance of said primary firm with respect to said chosen absolute performance standard for said sampling period;
- c) measuring an absolute performance of each firm of said set of comparison firms with respect to said chosen absolute performance standard for said sampling period, said measurement of performance for each firm of said test of comparison firms forming a set of comparison firm absolute performance measures;
- d) determining a performance comparison base based on said set of comparison firm absolute performance measures by calculating a weighted average of said set of comparison firm absolute performance measures;
- e) comparing said measurement of absolute performance of said primary firm with said performance comparison base;
- f) determining a relative performance measure for said primary firm based on said comparison of said primary firm measurement of absolute performance and said performance comparison base;
- g) determining the managerial compensation amount derived from said relative performance measure according to a monotonic managerial compensation amount transformation; and
- h) transferring compensation to said manager, said transferred compensation having a value related to said managerial compensation amount.

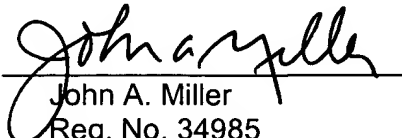
Appellant respectfully submits that the claimed invention clearly defines statutory subject matter if the claim above does. Further, Appellant submits that because the Board found that there is not a separate "technological arts" test for determining §101 subject matter, the Examiner's statement that the data entities and the calculation

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entities are not a practical application in the technological arts improperly holds that the data entities and the calculation entities do not provide statutory subject matter.

For the reasons given above and in Appellant's Brief, it is respectfully requested that the Examiner's rejection under §101 be reversed.

Respectfully submitted,

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